

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 9/1/2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NEW YORK INDEPENDENT VENUE	:
ASSOCIATION, COLUMBUS ALE HOUSE,	:
INC., UPSTATE SHOWS, INC., JAYARVEE,	:
INC., CAPITOL ENTERPRISES, INC.,	:
JUKIMOO, LLC, INFINITY ON MAIN, INC.,	:
RAPIDS THEATER NIAGARA FALLS USA,	:
INC., TURKS GROUP, LLC, and 49 ILLINOIS	:
RESTAURANT, LLC	:
	:
Plaintiffs,	:
-against-	:
	:
VINCENT G. BRADLEY, in his official capacity	:
as Chairman of the New York State Liquor	:
Authority,	:
	:
Defendant.	:

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1:20-cv-06870-GHW

ORDER

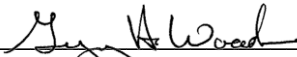
GREGORY H. WOODS, United States District Judge:

On August 31, 2020, Plaintiffs filed an emergency motion for a temporary restraining order. Dkt No. 9. That motion is denied. Under Federal Rule of Civil Procedure 65, “[t]he court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if: (A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and (B) the movant’s attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.” Fed. R. Civ. P. 65(b)(1). Plaintiffs have not “certifie[d] in writing . . . why [notice] should not be required.” *Id.* Thus, the Court cannot issue an *ex parte* temporary restraining order under Rule 65(b)(1); *see also* Rule 4(B) of this Court’s Individual Rules of Practice in Civil Cases. But, by separate order to be entered today, the Court has ordered

Defendant to show cause why a temporary restraining order and preliminary injunction should not issue.

SO ORDERED.

Dated: September 1, 2020
New York, New York



GREGORY H. WOODS
United States District Judge